

REMARKS/ARGUMENTS

The Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicants regard as the invention.

Claims 10-19 have been canceled.

Claims 10, 16, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 10-13 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tyneski et al. (US Patent No. 5,584,054, hereinafter "Tyneski").

Claims 16 and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Constien (US Patent No. 6,259,932).

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tyneski in view of Constien.

Claims 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Constien in view of Rabe (U.S. Patent No. 5,832,079).

As mentioned above, claims 10-19 have been canceled to render these rejections moot. Withdrawal of the rejections is respectfully requested.

Claims 1-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Constien in view of Novin et al. (U.S. Patent No. 6,141,831, hereinafter "Novin"). For at least the following reasons, withdrawal of the rejection is respectfully requested.

Constien and Novin, independently or in combination, do not teach or suggest all features

of the claimed invention.

The combination of Constien and Novin fails to suggest or teach all of the features of the claimed invention. Constien does not teach or suggest that a second hinge part has a flat face and the flat face of the second hinge part is flush with the inner surface of a first housing when the first housing is opened with respect to the second housing, as required in claim 1. Also as the Examiner concedes in the Office action, Constien does not disclose hinge section's detail as recited in the claim. Novin fails to cure the deficiencies. Novin does not disclose that a second hinge part has a flat face and the flat face of the second hinge part is flush with an inner surface of a first housing when the first housing is opened with respect to the second housing as required in claim 1. In Novin, a hinge part of the hinged member 12 is not clearly shown or described, and there is no disclosure that the hinge part has a flat face and the flat face of the second hinge part is flush with the inner surface of a first housing 14. In the claimed invention, the hinge section is shaped to be flat so that the hinge section itself is not bulged out beyond the inner surface of the lower housing (for example, page 16, lines 15-18 and hinge section 3B of Fig 4 of the specification). That is, the asserted combination of Constien and Novin fails to teach or suggest all features of the claims. Hence, withdrawal of the rejection is respectfully requested. Claims 2-7 directly or indirectly depend on claim 1, and thus are also patentable for at least the same reasons as the parent claim.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Constien and Novin further in view of Boesen (US Patent No. 6,892,082) For at least the following reasons, the Examiner's rejection is respectfully traversed. The asserted combination of Constien, Novin and Boesen does not teach or suggest all features of the

claimed invention.

As mentioned above, Constien does not teach or suggest that a second hinge part has a flat face and the flat face of the second hinge part is flush with an inner surface of a first housing when the first housing is opened with respect to the second housing, as recited in claim 1 on which claim 8 depends. Novin and Boesen fail to cure the aforementioned Constien's deficiencies. Thus, the asserted combination of Constien, Novin and Boesen fails to teach or suggest all features of the claims. Moreover, as the Examiner concedes in the Office Action, neither Constien nor Novin discloses an insertion hole for a strap. The Examiner asserts that Boesen teaches an insertion hole in Figure 3 (column 3, lines 44-48). However, Boesen's Figure 3 shows only a clip 20 to attach the personal electronic device to a belt or pocket and does not show any insertion holes for a strap (column 3, lines 46-48 of Boesen). Contrary to the teaching of Boesen, the insertion hole of the claimed invention is to put a strap through and it is structurally different from the clip of Boesen. Thus, the asserted combination of Constien, Novin and Boesen does not render claim 8 obvious. Hence, withdrawal of the rejection is respectfully requested.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Constien and Novin further in view of Terbrack (US Patent No. 6,892,082). For at least the following reasons, the Examiner's rejection is respectfully traversed. The asserted combination of Constien, Novin and Terbrack does not teach or suggest all features of the claimed invention.

As mentioned above, Constien does not teach or suggest that a second hinge part has a flat face and the flat face of the second hinge part is flush with an inner surface of a

first housing when the first housing is opened with respect to the second housing, as recited in claim 1 on which claim 9 depends. Novin and Terbrack, independently or in combination, fail to cure the aforementioned Constien's deficiencies. Thus, the asserted combination of Constien, Novin and Terbrack does not render claim 9 obvious. Hence, withdrawal of the rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36081.

Respectfully submitted,

PEARNE & GORDON LLP

By:

  
Tomoko Ishihara, Reg. No. 56808

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: October 30, 2006